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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

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| <p>In re:</p> <p>ART PICCADILLY AIRPORT, LLC,</p> <p>ART PICCADILLY CHATEAU, LLC; and</p> <p>ART PICCADILLY SHAW, LLC</p> <p style="text-align: center;">Debtor.</p> | <p>Bankr. E.D. Tex. Case Nos. 10-42374-BTR-11 (lead case for joint administration)</p> <p>10-42376-BTR-11</p> <p>10-42376-BTR-11</p> |
| <p>FAR EAST NATIONAL BANK, N.A.</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>AMERICAN REALTY INVESTORS, INC.,</p> <p style="text-align: center;">Defendant.</p> | <p>Bankr. D. Nev. Case No. BK-N-10-05095</p> <p>[Case No. CV10-02718, Dept. B7 (Flanigan, J.) Second Judicial District Court for Washoe County, Nevada]</p> <p>FAR EAST NATIONAL BANK’S STATEMENT PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9027(e)(3)</p> |

Plaintiff Far East National Bank (“Plaintiff”) hereby submits this statement pursuant to Rule 9027(e)(3) of the Federal Rules of Bankruptcy Procedure.

Plaintiff denies the allegations in the Notice of Removal filed by American Realty Investors, Inc. (“Defendant”) that the entire complaint is a core proceeding. Plaintiff contends

1 that the removed case/adversary proceeding is a non-core proceeding as to the breach of guaranty
2 claims against Defendant because adjudication of those claims involves state law application
3 only and Defendant is not a debtor in any pending Chapter 11 bankruptcy case. Further, the
4 prosecution of the Complaint against Defendant is not stayed pursuant to 11 U.S.C. § 362
5 because the Defendant is not a debtor in any pending Chapter 11 bankruptcy proceeding.

6 Plaintiff does not consent to the entry of final orders or judgment by the Bankruptcy
7 Judge or waive any of its rights or defenses as relates to this action.

8 DATED: October 1, 2010.

9 LEWIS AND ROCA LLP

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11 By: /s/ Bruce T. Beesley
12 Bruce T. Beesley, Esq.
13 Paul A. Matteoni, Esq.
14 Jasmine K. Mehta
15 50 W. Liberty Street, Suite 410
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17 *Attorneys for Far East National Bank, N.A.*
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CERTIFICATE OF SERVICE

1. On 1st day of October, 2010 I served the following document(s):

- *FAR EAST NATIONAL BANK'S STATEMENT PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9027(e)(3)*

2. I served the above-named document(s) by the following means to the persons as listed below:

(Check all that apply)

☒ **a. ECF System**

LOUIS M. BUBALA, III LBubala@jonesvargas.com

☐ **b. United States mail, postage fully prepaid**

☐ **c. Personal Service**

I personally delivered the document(s) to the person(s) at these address(es):

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place with someone of suitable age and discretion residing there.

☐ **d. By direct email (as opposed to through the ECF System)**

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By Fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of fax transmission is attached.

1 ☐ **f. By Messenger**

2 I served the document(s) by placing them in an envelope or package addressed to the persons at
3 the addresses listed below and providing them to a messenger for service.

4 I declare under penalty of perjury that the foregoing is true and correct.

5 Dated this 1st day of October, 2010.

6
7 By: Roxanne H. Maples

/s/ Roxanne H. Maples
Signature